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LETTER DATED 22 NOVEMBER 1997 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a copy of the report of the United Nations Special Commission, established under paragraph 9 (b) (i) of Security Council resolution 687 (1991), on its emergency session. That session, as you will recall, was convened at the request of the Security Council in order to discuss ways to make the work of the Special Commission more effective, and to submit to the Council, for its approval, proposals to this effect.

I should be most grateful if you could bring this report, which contains the requested proposals, to the attention of the members of the Security Council.

(Signed) Richard BUTLER

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Annex

Emergency session of the United Nations Special Commission established under paragraph 9 (b) (i) of Security Council resolution 687 (1991)

1. The members of the Special Commission (UNSCOM) convened in emergency session on 21 November 1997, at the request of the Security Council, in order to discuss and advise, among other important issues, ways to make the work of the Commission more effective on the basis of the resolutions of the Security Council. The members of the Commission recall that they met in New York, from 27 to 31 October 1997, at which time they were extensively briefed and endorsed the activities undertaken by the Commission and the conclusions in the Executive Chairman's report (S/1997/774) of 6 October 1997. At the emergency session the members received a further briefing on each weapons area in the light of the developments since their meeting of October 1997.

2. The members of the Commission recall that the effectiveness and the speed with which the Commission may accomplish its responsibilities is, above all, determined by the degree to which the Government of Iraq cooperates in disclosing the full extent and disposition of its proscribed programmes and in granting the Commission unimpeded access to sites, documents and records the Commission wishes to inspect and to individuals required for interview, in order to implement its mandate under the Security Council resolutions. In this context, the members of the Commission took note of the return of UNSCOM and International Atomic Energy Agency (IAEA) inspectors to Iraq on 21 November 1997 in their full composition.

3. The members of the Commission note the importance of the contributions which Governments can make to the work of the Commission not only through the provision of experts, equipment and services, but also through the provision of information, in particular supplier information relevant to Iraq's proscribed programmes. The Security Council may wish to encourage Governments to make such contributions where this is not already being done.

4. The members of the Commission have considered each of the proscribed weapons areas described in section C of resolution 687 (1991), and have arrived at recommendations regarding each area, as well as measures of a general nature designed to enhance the fulfilment of the mandate of UNSCOM and IAEA.

Nuclear weapons

5. The members of the Commission took note of the latest report of the Director General of IAEA (S/1997/779 of 8 October) that, inter alia, there are no indications that any weapon-usable nuclear material remains in Iraq and that the ongoing monitoring and verification activities of IAEA have not revealed indicators of the evidence in Iraq of prohibited materials, equipment or activities. However, in order to dispose of remaining issues, the Security Council may wish to call upon Iraq, as a matter of priority, to respond fully and promptly to the five matters detailed by the Director General of IAEA in paragraph 75 of his report. The members of the Commission would encourage IAEA

to proceed with its plans to implement new technologies in its ongoing monitoring and verification activities, particularly in the area of environmental monitoring, and the Council may wish to recommend to Governments that they should make available to IAEA the requisite technologies. The members of the Commission have noted with satisfaction the intention of IAEA to focus most of its resources on the implementation and technical strengthening of its plan for ongoing monitoring and verification, which would include increasing the number of monitoring staff stationed in Iraq.

6. The members of the Commission understand, from the presentation made by IAEA, that if the few clarifications required from Iraq in paragraph 75 of the IAEA report are satisfactorily provided, and if Iraq were to cooperate in the use of fixed-wing aircraft within Iraq for monitoring purposes, IAEA would have a basis for an early favourable report to the Security Council.

Proscribed missiles

7. The members of the Commission are satisfied that 817 of the 819 proscribed missiles imported by Iraq have been effectively accounted for.

8. However, priority requirements are: clarification of and accounting for Iraq's indigenous production of proscribed missiles, including seven missiles claimed to have been for training, and conventional warheads and warheads for biological and chemical agents, and major missile parts.

9. The Security Council is urged to call upon Iraq to respond promptly and fully to the Commission's requests in these regards.

10. The members of the Commission also note the interrelated nature of the outstanding issues regarding the accounting for warheads, which are intrinsically significant in the missile area, and also in the chemical and biological weapons areas, because warheads have been filled with chemical and biological agents.

11. Early positive actions by Iraq in these fields could facilitate further transition to ongoing monitoring and verification.

Chemical weapons

12. The members of the Commission recognize the significant progress of UNSCOM in this area. Considerable quantities of chemical weapons, their components and chemical weapons-related equipment have been destroyed by Iraq and UNSCOM, in cooperation.

13. However, a number of issues remain to be solved, and the members of the Commission believe that priority should be given to the resolution of the following issues:

(a) The accounting for special warheads (chemical and biological) for the Al Hussein missiles;

(b) The extent of Iraq's efforts to produce and weaponize the chemical warfare agent VX;

(c) The material balance of chemical munitions declared by Iraq as having been destroyed during the Gulf war;

(d) The material balance of production equipment procured by Iraq for chemical weapons purposes.

14. As appropriate, the Commission should continue to utilize scientific seminars, with Iraqi participation, in order to ensure a resolution of these issues.

Biological weapons

15. This is the most serious and persistent area where Iraq has disregarded its obligations to the United Nations. The members of the Commission note that the paucity of progress is largely attributable to Iraq's denial of the existence of such a programme until June 1995.

16. The members of the Commission further note that Iraq's full, final and complete disclosure, submitted in September 1997, is not substantially different in substance from previous versions found to be unacceptable, and it remains unsupported by verifiable evidence and documentation. These findings have been endorsed by an international panel of experts.

17. The Security Council is urged to call upon Iraq to overcome the existing deficiencies.

Concealment

18. The members of the Commission take note of the systematic concealment activities conducted by Iraq in proscribed weapons areas which have a direct effect on the ability of the Commission to fulfil its mandate.

Access

19. The members of the Commission emphasize that access - immediate, unconditional and unrestricted - is absolutely fundamental to its ability to accomplish any of its tasks. The Commission respects the legitimate national security, sovereignty and dignity concerns of Iraq. The provision of access is the responsibility of Iraq as called for and defined in the relevant resolutions of the Security Council. Failure by Iraq to conform to those resolutions, and to grant access, has impeded the disarmament process and the conduct of the Commission's work in other respects. The members of the Commission have identified the need for greater clarity in the reconciliation of these rights and the need for full practical application of the mandate given to it by the Security Council. They urge the Executive Chairman to seek such clarity in early discussions with Iraqi authorities.

Evidence of Iraqi defiance of its obligations to the Special Commission

20. The members of the Commission suggest that Commission staff continue to document all examples of Iraqi efforts to frustrate their work, by concealment, obstruction, restriction of access or other means, so that the Security Council can be kept informed, as appropriate.

Continuity

21. The members of the Commission suggest that the Executive Chairman assess the extent to which the temporary cessation of UNSCOM operations, caused by Iraqi decisions, has set back its ability to complete its mandate, and make this clear in its next report to the Security Council.

Operational recommendations pertaining to all areas of the Special Commission's work

Inspections

22. The members of the Commission recommend that the Executive Chairman and his staff should undertake a review of additional equipment, including sensors and sensor-support and other equipment, which could facilitate its inspection activities. In the event that it is determined that such equipment would be of utility, the Executive Chairman should approach Governments to make such equipment available to the Commission.

23. It was noted that additional aerial surveillance, with additional aircraft, could enhance UNSCOM effectiveness, including night surveillance, if possible.

24. The members of the Commission recommend that Governments, approached on the widest geographical basis, should be encouraged to respond favourably to the requests which the Executive Chairman has regularly made for the provision of suitably technically qualified inspectors.

Air operations

25. The members of the Commission note that, under the Security Council resolutions, the Commission has the right to operate both fixed and rotary wing aircraft throughout Iraq and to land at airfields of its choice during the conduct of its mandate. The members of the Commission believe that full implementation of this right should be insisted upon by the Council.

26. In particular, the members of the Commission note that the Commission's air operations would be enhanced if its fixed-wing operations could be based at Rasheed Air Force Base, where its helicopters are already stationed, and if it could use its fixed-wing aircraft to transport inspection teams to Basra International Airport and other locations remote from Baghdad, in order to speed up the time required for the conduct of inspections.

27. The members of the Commission recommend that the Executive Chairman and the Government of Iraq undertake a further review of the modalities for the notification and conduct of air operations within Iraq, so as to simplify and

expedite those modalities by, for example, using standard International Civil Aviation Organization flight plans, rather than the present system of "boxes" filed the night before the planned air operation.

Improving the effectiveness of the ongoing monitoring and verification regime

Provision of experts

28. The members of the Commission recommend that the Security Council encourage Governments to make experts available for monitoring missions so as to broaden the multinational nature of inspection teams and improve the efficiency of ongoing monitoring and verification inspections.

Uniform training programme for experts

29. The members of the Commission recommend to the Executive Chairman that a uniform training programme be developed for all monitoring staff, supplemented with technical area-specific briefings, guidelines and procedures as appropriate, to be implemented at the Baghdad Monitoring and Verification Centre. The Executive Chairman should compile a briefing document containing the essential information on the Commission, which would be made available to Governments for distribution to their experts.

Simplification of ongoing monitoring and verification formats and declarations

30. The members of the Commission note that a large number of documents pertain to the monitoring system. These documents do not always present a clear and accessible picture of the monitoring regime, or of Iraq's and UNSCOM's responsibilities under the regime.

31. The members of the Commission recommend that the Executive Chairman examine ways to rationalize and simplify the many documents covering the monitoring regime. Furthermore, the formats for Iraq's semi-annual declarations should be re-examined for their consistency with the annexes to the ongoing monitoring and verification plan and rendered in a suitable electronic format that would reduce the paper burden, on both Iraq and UNSCOM, and permit easy reference by monitors at Headquarters and at the Baghdad Monitoring and Verification Centre.

Improving the effectiveness of the export/import monitoring mechanism

32. The members of the Commission note that, at present, not all Governments understand which items require notification under the export/import mechanism and notifications are not always received in a timely manner, with the necessary supporting documentation. These deficiencies make it difficult for experts to confirm whether or not material is notifiable and to undertake physical examination in Iraq itself.

33. The members of the Commission recommend to the Executive Chairman that a training programme be instituted at the Commission's headquarters and that Governments, in particular those likely to be engaged in extensive trade with Iraq, be encouraged to provide personnel to participate in such a training

programme. The members of the Commission also recommend that the revised annexes to the ongoing monitoring and verification plan be reviewed and modified, in the light of experience, so as to ensure that they are adequate and require the provision of key technical information. A simplification should be undertaken to exclude from those annexes certain items so widely used that monitoring of such use is impossible.

Technical equipment

34. The members of the Commission recommend that the Executive Chairman review what additional equipment could be made available at the Baghdad Monitoring and Verification Centre, in particular laboratory equipment and, at Headquarters in New York, to expedite their work, for example, a video editing and communications system which would facilitate review of the Commission's tapes and easy transmission between Headquarters and the field. The Executive Chairman should contact Governments having such equipment with the request that they make it available to the Commission.

Next plenary meeting of the Special Commission

35. The members of the Commission indicated their willingness to meet prior to the next regular scheduled meeting, in April 1998, if this were considered to be helpful.